(4)

CF/88/

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.NO. 2946 / 2005

Petitioner : Radhelal Mahipal,
S/o Late Itwari Mahipal,
Aged about 39 years,
Occupation – Police Constable,
R/o New Police Line, Block E,
Qr.No.63, Durg,
Dist : Durg-(C.G.)

Versus

Respondents :1. State of Chhattisgarh,
Through the Secretary,
Dept. of Home, D.K.S.Bhawan,
Raipur, Dist : Raipur - (C.G.)

2. The Director General of Police,
Chhattisgarh, Police Headquarter,
Raipur, Dist : Raipur – (C.G.)

3. The Asst.Inspector General of Police,
(Selection), Police Headquarter, Raipur,
Dist : Raipur – (C.G.)

4. The Sr.Supdt. of Police,
Dist : Durg-(C.G.)

5. The Supdt. Of Police,
Dantewada,
Dist : Dantewada – (C.G.)

P.R. No. 2854/05
Presented by Shri R.S. Thakur
dated 24/12/05

WRIT PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA

COPY

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(34)

आदेश पत्रक

W.P. 2946/2005

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

8.7.2005

Petitioner by Shri Vinod Deshmukh, Advocate.

Respondents/State by Shri Pankaj Shrivastava, Panel Lawyer.

Heard.

The petitioner has filed this petition under Article 226 of the Constitution of India challenging the order dated 10.6.2005 whereby on repatriation of the services of the petitioner back to the Home Department from the Transport Department, he has been directed to be posted at Dantewada from Durg.

Learned counsel for the petitioner submits that the petitioner was appointed as Constable and in the year 1993 he was transferred from Jabalpur to Durg. After creation of the State of Chhattisgarh, he became the constable of the District Police Force Durg and from Durg he was sent on deputation to the Transport Department with effect from 25.4.2003. On repatriation to the Home Department the petitioner had joined at Raipur from where by the order impugned dated 10.6.2005 (Annexure P/1) he has been sent to the District Force in the naxalite affected district Dantewada.

Learned counsel for the petitioner further submits that the petitioner challenges his transfer to Dantewada i.e.

(पीछे देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(35)

आदेश पत्रक

मामला क्रमांक W.P. 2946/2005 **सन्** 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

naxalite affected area because as per the policy of the Govt. a constable can not be transferred out of the district.

In view of the above, I am of the opinion that this petition can be disposed of with the liberty to the petitioner to make a representation to the authority concerned within a period of 15 days from today raising all his grievances and on such representation being filed by the petitioner, the authority concerned shall consider and decide the case of transfer of the petitioner in accordance with law and the policy framed in this regard, within a period of one month from the date of submission of the representation by the petitioner. However, the order of transfer to Dantewada will not be given effect to till the representation is decided by the authority concerned. Ordered accordingly.

In view of the foregoing, this petition stands disposed of finally.

Consequently, M(W)P No. 2484/2005 and I.A.No. 3840/2005 stand disposed of.

Sd/-
Satish K. Agnihotri
Judge

Thale

15.12.05

(पीछे देखिये)